

Chambers Com

Order

PLAINTIFF'S NOVEMBER 9, 2008 DESIGNATION OF DEPOSITION TESTIMONY OF MIKE UWAKA (11/06/08)

(Counter-Designations in italicized text)

Deposition 2/16/05 & 2/17/05

Volumes 1 & 2

Plaintiffs' Designations	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants, Objections and Counter-Designations to Defendants	Defendants' Cross-Examination Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Counter-Designations to Defendants
5:8:11	Plaintiffs' designation is nonsensical. FRE 401-403.	<i>OR</i>			
29:25-30:7					
73:21-74:14					
93:3-8 (Beginning with "I'm just asking")					
95:6-12			95:13-21		

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221:10-11, 20-24					
222:8-9, 223: 5-6, 12	223: 5-6, 12: Examination is argumentative because the deponent was not involved in the decision and the question was asked and answered (see 222:10-223:1 F.R.E. 401-403, 602.)	<i>Uwaka himself approved a payment to Ogedegbe for the May 28, 1998 attack (Exh. 420, which he authenticates earlier in the deposition). He</i>			
249:4-11					

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249:14-15	<p>Lacks foundation and personal knowledge, calls for speculation. F.R.E. 602.</p> <p><i>DR</i></p>	<p>Uwaka himself approved a payment to Ogedegbe for the May 28, 1998 attack (Exh. 420, which he authenticates earlier in the deposition). He was the head of</p>			

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249:17-19	Lacks foundation and personal knowledge, calls for speculation. F.R.E. 602.	Uwaka himself approved a payment to Ogedegbe for the May 28, 1998 attack (Exh. 420, which he authenticates earlier in the deposition). He was the head of security who approved			

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		most security payments, and he clearly has the foundation to testify that a per diem payment was paid to any military who were working at Parabe on May 28, 1998.			
249:21-23	Lacks foundation and personal knowledge, calls for speculation. FRE 602.	Uwaka himself approved a payment to Ogedege for the May 28, 1998 (Exh. 420, which he authenticates earlier in the deposition). He was the head of security who approved most security payments, and			

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		he clearly has the foundation to testify that a per diem payment was paid to any military who were working at Parabe on May 28, 1998.			
293:17-19 (plaintiffs request permission to change "yesterday" to "earlier" for purposes of the reading)	<i>OK</i>				
293:23-294:1					

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426:14-427:11	Defendants object that this designation is irrelevant and more prejudicial than probative of any material fact, because counsel was asking about the villages of Opia and Ikenyan (see 425:25-427:11), which plaintiffs and claims were dismissed with prejudice. FRE 401-403. Plaintiffs were ordered to respond to discovery in this case relating to those	Uwaka's testimony does not relate in any way to the Opia/Ikenyan incidents. His testimony that the modus operandi of the task force was to burn down villages is highly relevant to plaintiffs' claims. If necessary, plaintiffs can work with defendants and the Court to reword the question asked so that it doesn't refer to the	294:12-295:13 ending with "after."		

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	<p>dismissals as a prerequisite to relying on any Opiat/Kenyan evidence. Plaintiffs have not responded to such discovery, and thus cannot rely on this testimony. If plaintiffs are permitted to read this testimony, then defendants request permission to inform the jury that after nine years of litigation plaintiffs dismissed all Opiat/Kenyan plaintiffs due to an ethical conflict of interest and have refused to respond to discovery aimed at</p> <p>villages.</p>				

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	determining whether the claims were fraudulent. <i>See also</i> Dkt. # 2001 (order on Defs.' MIL No. 2).				